




FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission
Staff Director
General Counsel
Press Office
Public Disclosure

FROM: Commission Secretary's Office 

DATE: May 30, 2012

SUBJECT: Comments on Draft AO 2012-20
(Markwayne Mullin)

Transmitted herewith are comments from Jason Torchinsky, Esq. and Shawn Sheehy, Esq. on behalf of the requestor.

Draft Advisory Opinion 2012-20 was on the May 24, 2012 open meeting agenda.

Attachment



Jason Torchinsky
<jtorchinsky@hvjlaw.com>
05/30/2012 03:51 PM

To "Secretary@fec.gov" <Secretary@fec.gov>,
cc "JSelinkoff@fec.gov" <JSelinkoff@fec.gov>, Shawn Sheehy
<:ssheehy@hvjlaw.com>
bcc
Subject AOR 2012-20 - Draft C Comments

1 attachment



Jason Torchinsky2.vcf

Dear Commission Secretary,

As the Commission considers Draft C, we call attention to *Wisconsin Right to Life v. Federal Election Commission*, 551 U.S. ___, 127 S. Ct. 2652 (2007). Specifically, we call the Commission's attention to pages 2666 through 2670 where the Court discussed how the Commission may look to context. In this case, it appears that the determination about whether a plumbing company's advertisements that have not changed in nearly a decade constitute electioneering communication turn on the actions of a completely different entity – namely a campaign committee. We urge that Commission to consider only the content of the plumbing company's communications themselves as directed in *Wisconsin Right to Life* as it considers this request for an exemption.

We once again urge the Commission to adopt Draft B.

Because we are running up against the compliance deadlines and my clients desires to be in complete compliance with all legal requirements, we are unable to grant the Commission additional extensions.

Sincerely,

/s/

Jason Torchinsky
Shawn Sheehy
Counsel to Markwayne Mullin

Jason Torchinsky

Holtzman Vogel PLLC

Attorneys at Law

Jason Torchinsky

Partner

Work (340) 341-8808

Fax (340) 341-8809

jtorchinsky@holtzmanlaw.net www.holtzmanlaw.net